@#@#@#@#@#@#@

HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO:2661 of 2007

DATED: 05-03-2007

Between:

Dudekula Hassenamma

..... PETITIONER

AND

The Chief Secretary, Government of A.P., Secretariat, Hyderabad and others.

.....RESPONDENTS

@#@#@#@#@#@#@

ORDER: (per The Hon'ble Sri Justice B.Prakash Rao)

The petitioner herein, who is the wife of the detenu *viz*., Bala Hussain, files this writ petition *inter alia* seeking a writ of habeas corpus to produce him and set at liberty and set aside the detention order passed by the second respondent on 08-12-2006 as confirmed by the first respondent on 25-01-2007.

The facts in brief are that in respect of an incident which occurred on 06-07-2006 the detenue was arrested and ultimately he

was also released on bails. In spite of the same, the impugned order dated 08-12-2006 was passed, no doubt, with reference to the aforesaid cases, but however, there was no mention in regard to the bails obtained nor the orders of the bails which have been obtained by the said detenu from the respective courts were placed before the authority and therefore either way both the orders are liable to be set aside.

In support of his contention learned counsel for the petitioner sought to place reliance on **Abdul Sathar Ibrahim Manik v. Union of India**[1] and also the orders of the Division Bench of this Court in W.P.No.11247 of 2006 dated 30-08-2006 in regard to the detention order.

Now it is well settled in view of the principles laid down in the aforesaid decisions and having regard to the provisions of the A.P.Prevention of Dangerous Activities of Bootleggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 (for short 'the Act') that

non-consideration of the bail orders would vitiate the very detention as such. Admittedly, in this case none of the orders have been placed before the said authority. Therefore, the impugned order passed on 08-12-2006 and also the final order as passed by the first respondent dated 25-01-2007 are liable to be set aside.

The writ petition is accordingly allowed and the impugned

order dated 08-12-2006 as confirmed by the first respondent dated 25-01-2007 is set aside. The detenu viz., Dudekula Bala Hussain shall be released forthwith, if not required in any other case. No order as to costs.

_____
B.PRAKASH RAO, J

_____
M.VENKATESWARA REDDY, J

05th March, 2007

SKM

HONOURABLE SRI JUSTICE B.PRAKASH RAO
AND
HONOURABLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NO:2661 of 2007

ADVANCE ORDER: (Per the Hon'ble Sri Justice B.Prakash Rao)

The writ petition is allowed. The impugned order of detention dated 08-12-2006 as confirmed by the first respondent dated 25-01-2007 is quashed. The detenu viz., Dudekula Bala Hussain, aged 36 years, S/o.Dasthagiri, R/o.D.No.1-603-1, Nandyal Road, Tadipatri Town, Anantapur District, shall be released forthwith, if not required in any other case.

(Order follows……)

_____
B.PRAKASH RAO, J

_____

M.VENKATESWARA REDDY, J

05th March, 2007

Note:

Please send the bundle to the Court Masters Section immediately after dispatch of the advance order.
B/o.
SKM

---

[1] (1992) 1 SCC 1